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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,638	07/15/2003	Toru Wada	2356/12	5667

7590 03/29/2005

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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,638

Applicant(s)

WADA ET AL.

Examiner

Monique R Jackson

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 7-9, 11, 12 and 19 are rejected under 35 U.S.C. 102(a) or (e) as being anticipated by EP 1 306 725 A1 or Wada et al (US 2003/0082482 A1), respectively. Wada et al teach a photosensitive resin laminate and a method for forming a mask on the photosensitive laminate by IR ablation as instantly claimed wherein the laminate comprises a support, a photosensitive layer and an IR ablation layer wherein the IR ablation layer comprises an IR absorbent metal deposition layer and IR non-sensitive polymer resin layer laminated on said metal layer (Abstract; Claims 4 and 5; Paragraphs 0007-0024, 0086-0087, 0092-0094; Examples.) Wada et al teach that the photosensitive layer comprises a thermosetting or alkyd resin wherein after IR ablation, the non-polymerized part of the photosensitive layer and the IR ablation layer are removed and hence the Examiner takes the position that the photosensitive layer reads upon the limitation “a release layer” between the substrate and the IR ablation layer” (Paragraphs 0058-0059 and 0095.) Wada et al further teach that the laminate may comprise a release layer between a cover film and an IR ablation layer wherein a cover film may be on the

Art Unit: 1773

photosensitive laminate to protect the IR ablation layer during storage and handling and removed before or after IR irradiation (Paragraphs 0069 and 0073.)

3. Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Zoeren (USPN 5,506,086.) Van Zoeren teaches a process for making a flexographic printing plate from a photosensitive laminate by forming a mask via IR ablation wherein the laminate comprises a support and an IR ablatable layer wherein the IR ablatable layer may be a metal layer applied by vapor deposition (Abstract; Col. 5, lines 25-27; Col. 10, lines 43-63; Col. 14, lines 14-15.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 6, 10, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al in view of Takeda et al (USPN 5,858,604.) The teachings of Wada et al are discussed above. Wada et al do not teach the use of an anti-blocking layer as instantly claimed on the back side of the support from the IR ablation layer however Takeda et al teach a similar photosensitive laminate wherein anti-blocking properties may be provided in a light shielding layer or plural layers and wherein the laminate may be provided with a backing layer to provide transporting stability and anti-abrasion properties which would read upon the instantly claimed anti-blocking layer. Hence, one having ordinary skill in the art at the time of the invention would have been motivated to provide an anti-blocking backing layer as taught by

Art Unit: 1773

Takeda et al to provide anti-blocking properties and transporting stability of the laminate taught by Wada et al. Further, one having ordinary skill in the art at the time of the invention would have been motivated to determine the desired combination of layers taught by Wada et al for a particular end use and to utilize the resin materials taught by Wada et al, such as thermosetting or alkyd resins or other suitable resin material, in the additional layers taught by Wada et al.

Double Patenting

6. Claims 1, 2, 11 and 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4, 5, 10, 11, 13-15, and 17 of copending Application No. 10/279,005. The co-pending application claims a photosensitive laminate comprising a support, a photosensitive layer, an IR ablation layer comprising an IR absorbent metal deposition layer and a non-IR sensitive polymer layer and hence fully encompass the cited claims of the instant application.

This is a provisional obviousness-type double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
March 20, 2005